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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/979,563	11/14/2001	Chandrika Kasturi	7578	7873
27752	7590	03/08/2004	EXAMINER	
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			MRUK, BRIAN P	
			ART UNIT	PAPER NUMBER
			1751	
DATE MAILED: 03/08/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/979,563

Applicant(s)

KASTURI ET AL.

Examiner

Brian P Mruk

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,9,16-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,9,16-19 and 21-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office action is in response to Applicant's amendment filed December 15, 2003. Applicant has amended claims 1, 2, 9, 17-19, 21, and 23-24. Claims 6-7, 10-15 and 20 have been cancelled. New claims 25-26 have been added. Currently, claims 1-5, 8-9, 16-19 and 21-26 remain pending in the application.
2. The text of those sections of Title 35 U.S. Code not included in this action can be found in the prior Office action, Paper No. 5.
3. This objection of the specification for not containing an abstract of the disclosure is withdrawn in view of applicant's amendments and remarks.
4. The objection of claims 2, 10 and 19 is withdrawn in view of applicant's amendments and remarks.
5. The rejection of claims 1-24 under 35 U.S.C. 112, second paragraph, is withdrawn in view of applicant's amendments and remarks.
6. The rejection of claims 1-3, 8-9, 16-19 and 21-24 under 35 U.S.C. 102(b) as being anticipated by Jeschke et al, U.S. Patent No. 4,784,789, is maintained for the reasons of record.

7. The rejection of claims 1-3, 8-9, 16-19 and 21-24 under 35 U.S.C. 102(b) as being anticipated by Aronson et al, EP 013,585, is maintained for the reasons of record.
8. The rejection of claims 1-3, 5-9 and 11-24 under 35 U.S.C. 102(b) as being anticipated by Winkler et al, EP 308,190, is withdrawn in view of applicant's amendments and remarks.
9. The rejection of claims 1-3, 5-9 and 11-24 under 35 U.S.C. 102(b) as being anticipated by Ishii et al, GB 2,104,091, is withdrawn in view of applicant's amendments and remarks.
10. The rejection of claims 1-5, 8-9, 16-19 and 21-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,528,477 is maintained for the reasons of record.
11. The rejection of claims 1-5, 8-9, 16-19 and 21-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,369,012 is maintained for the reasons of record.

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12. The rejection of claims 1-5, 8-9, 16-19 and 21-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,589,926 is maintained for the reasons of record.

13. The rejection of claims 1-5, 8-9, 16-19 and 21-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 6,277,811 is maintained for the reasons of record.

14. The rejection of claims 1-5, 8-9, 16-19 and 21-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,207,631 is maintained for the reasons of record.

15. The rejection of claims 1-5, 8-9, 16-19 and 21-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,521,577 is maintained for the reasons of record.

16. The rejection of claims 1-5, 8-9, 16-19 and 21-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,372,708 is maintained for the reasons of record.

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17. The rejection of claims 1-5, 8-9, 16-19 and 21-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,573,234 is maintained for the reasons of record.

18. The rejection of claims 1-5, 8-9, 16-19 and 21-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,528,476 is maintained for the reasons of record.

## **NEW GROUNDS OF REJECTION**

### ***Claim Rejections - 35 USC § 112***

19. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

20. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

21. The Markush listing of "amine oxide" in instant claim 26 renders the claim vague and indefinite, since claim 1 already requires an amine oxide to be present in the composition. Appropriate correction and/or clarification is required.

***Claim Rejections - 35 USC § 102***

22. Claims 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Jeschke et al, U.S. Patent No. 4,784,789.

Newly added claims 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Jeschke et al, U.S. Patent No. 4,784,789, for the reasons of record found in the last Office action, Paper No. 5, Paragraph No. 11.

23. Claims 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Aronson et al, EP 013,585.

Newly added claims 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Aronson et al, EP 013,585, for the reasons of record found in the last Office action, Paper No. 5, Paragraph No. 12.

***Double Patenting***

24. Claims 25-26 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,528,477, claims 1-13 of U.S. Patent No. 6,369,012, claims 1-18 of U.S. Patent No. 6,589,926, claims 1-16 of U.S. Patent No. 6,277,811, claims 1-13 of U.S. Patent No. 6,207,631, claims 1-17 of U.S. Patent No. 6,521,577, claims 1-13 of U.S. Patent No. 6,372,708, claims 1-4 of U.S. Patent No. 6,573,234, and claims 1-5 of U.S. Patent No. 6,528,476, for the reasons of record found in the last Office Action, Paper No. 5, Paragraph Nos. 16-24.

### ***Response to Arguments***

25. Applicant's arguments filed December 15, 2003 have been fully considered but they are not persuasive.

Applicant argues that Jeschke et al, U.S. Patent No. 4,784,789, and Aronson et al, EP 013,585, do not teach or suggest in general a composition comprising the claimed polymeric suds stabilizers, deterative surfactant, and amine oxide that are required in the instant claims. However, the examiner respectfully disagrees.

Specifically, Example 1 of Jeschke et al discloses a composition containing an amphoteric polymer, an amine oxide, and a deterative surfactant (see col. 8, Example 1 and claims 6 and 8 of Jeschke et al), and Example 3 of Aronson et al discloses a composition comprising a suds stabilizing polymer, anionic surfactants, and an amine oxide (see pages 15 and 16 of Aronson et al). Therefore, the examiner maintains that the instant claims are anticipated by Jeschke et al, U.S. Patent No. 4,784,789, and Aronson et al, EP 013,585.

The examiner notes that applicant intends to file Terminal Disclaimers over the cited U.S. Patents upon indication of the claims being allowable except for the double patenting rejections.

### ***Conclusion***

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

BPM

Brian Mruk  
March 1, 2004

*Brian P. Mruk*

Brian P. Mruk  
Primary Examiner  
Tech Center 1700